

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RASHAUN BLANFORD,

Plaintiff,

v.

9:21-cv-231 (BKS/CFH)

BANKS, *et al.*,

Defendants.

Appearances:

For Plaintiff:

Sara Wolkensdorfer
Stephanie Panousieris
Rickner PLLC
14 Wall Street, Suite 1603
New York, NY 10005

For Defendant:

Letitia James
Attorney General for the State of New York
Brittany M. Haner
New York State Attorney General
The Capitol
Albany, NY 12224

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Rashaun Blanford, who was at all relevant times in the custody of the New York State Department of Corrections and Community Supervision, brought this action *pro se*¹ pursuant to 42 U.S.C. § 1983 asserting that the defendants violated his Eighth Amendment rights and New York State law. *See* Dkt. No. 1 (“Complaint”). The case was referred to the Hon.

¹ Plaintiff is now represented by retained counsel. *See* Dkt. No. 137.

Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation and Order pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Judge Hummel addressed the defendants' motion for summary judgment, *see* Dkt. No. 100, and recommended that the motion be granted and the Complaint be dismissed in its entirety with prejudice. *See* Aug. 28, 2023 Report-Recommendation and Order, Dkt. No. 147. Although plaintiff's counsel's request for an extension of time to lodge objections to the Report-Recommendation and Order was granted, *see* Dkt. No. 149, counsel ultimately indicated that "after discussing Magistrate Lovric's² Recommendation and Order extensively with our client, we will not be filing any objections." Dkt. No. 150.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 147) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' Motion for Summary Judgment (Dkt. No. 100) is **GRANTED**, and plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITH PREJUDICE**.

² The reference to Magistrate Judge Lovric appears to be a scrivener's error inasmuch as it appears in a letter to Judge Hummel bearing the name and civil action number of this case. *See* Dkt. No. 150.

The Clerk is respectfully directed to enter judgment in favor of the defendants and close the file in this matter.

IT IS SO ORDERED.

Dated: April 10, 2024

A handwritten signature in black ink, reading "Brenda K. Sannes". The signature is written in a cursive style with a horizontal line underneath the name.

Brenda K. Sannes
Chief U.S. District Judge